IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

Bail Appl..No. 7333 of 2006()

CMP.3613/2006 of J.M.F.C.,KUNNAMANGALAM

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PETITIONERS:

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1. KAMMAD HAJI. V.M., AGED 60 YEARS,
   S/O.KUNHAMMAD, SANKARAAMPARAMBIL,
   `BADARAIYA MANZIL', PALLITHAZHAM, KAYALAM.

2. FATHIMA BEEGUM, AGED 30 YEARS,
   D/O.KAMMAD HAJI, SANKARAMPARAMBIL,
   `BADARAIYA MANZIL, PALLITHAZHAM,
   KAYALAM.

BY ADV. SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)

RESPONDENTS:

STATE OF KERALA, REP. BY
STATION HOUSE OFFICER, MEDICAL COLLEGE POLICE
STATION, CRIME NO.334/2006 KOZHIKODE,
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GOERGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON 21/12/2006 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application No. 7333 of 2006

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Dated, this the 21st day of December 2006

ORDER

In this petition filed under Sec. 439 Cr.P.C. the petitioners who are accused Nos. 3 and 4 in Crime No. 334/06 of Medical College Police Station for offences punishable under Sections 7 and 14 of Foreigners Act 1946, 12(B), 121, 121(A), 468, 472, 473 and 420 read with Sec. 34 I.P.C. and Section 7 read with 13(1) (a) of Prevention of Corruption Act and 12(1)(a) of Indian Passport Act 1967 , seek their enlargement on bail.

2. The learned Director General of Prosecutions opposed the application.

3. A Pakistan National by name Fahad @ Muhammed Koya along with an accomplice of his was arrested after an encounter by the Karnataka Police on 27-10-2006 and a crime was registered by the Vijayanagar Police Station in Mysore City as Crime No. 165/06 under Sections 307 and 332 read with Sec. 34 IPC and 25(d), 25(3) (1-a), 25 (4) (1-5), 25 (4) (f), 27(2), 28 of Indian Arms Act 1959 and Sec. 14 of the Foreigners Act, 1946. The police party had also seized two pakistan passports and two sophisticated weapons from them.

Investigation of that case was extended to Calicut in Kerala during which it was revealed that the petitioners herein and the husband of the 2nd petitioner herein had illegally allowed the first accused to stay in their house in Calicut City during the period from 12-2-2006 and 21-8-2006 and had facilitated A1 to obtain an Indian Passport in a fake address. It was the 2nd petitioner Fathima Beegum who had obtained a sum of Rs. 20,000/- from A1 and entrusted the same with Rahmathulla (A6) through a mediator namely Muhammed Afsal (A10). Further investigation of the case has revealed that A1 has been an active member of a terrorist organisation based at Jammu and Kashmir named "AL-BADAR" which has been indulging in anti-national activities against the Government of India. The role of the petitioners has not been that of innocent hosts. Investigation of the case is still in the preliminary stage. I am not inclined to grant bail to the petitioners.

This bail application is accordingly dismissed.

Sd/-V. RAMKUMAR,
(JUDGE)

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